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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373
Thomas J. Finn Snell & Wilmer L.L.P. 400 East Van Buren One Arizona Center Phoenix, AZ 85004-2202				
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EXAMINER				
KARMIS, STEFANOS				
ART UNIT		PAPER NUMBER		
3693				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/032,588

Applicant(s)

CHOW ET AL.

Examiner

STEFANOS KARMIS

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 05 March 2008.

Status of Claims

2. Claims 1, 8, 11 and 12 are currently amended. Claims 1-13 are currently pending.

Response to Arguments

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., be approved for a line of credit to immediately fund the brokerage account (see bold on page 3 of arguments)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. Applicant's arguments with respect to the rejection of claims 1-13 under 35 U.S.C. § 103(a) have been considered but are moot in view of the new ground(s) of rejection as discussed below.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claims 1, 11 and 12 as amended, recite the limitation "the investment" in the last limitation. There is insufficient antecedent basis for this limitation in the claim. The lack of antecedent basis renders the claim indefinite because it is not clear what "the investment" is. It is unclear whether the investment is the opening of the brokerage account or the buying, selling or trading within the investment account. Thus it is not clear what steps are performed prior to receiving payment and whether there are any funds in the brokerage account before granting access to buy sell or trade. Claims 2-10 and 13 are rejected based on their dependency.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (hereinafter Wallace) U.S. Patent 6,968,317 in view of Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in further view of T. Rowe Price Investment Services, Inc. (hereinafter T.Rowe Price).

Regarding claims 1, 7, 11 and 12, Wallace teaches a computer-implemented brokerage account application method comprising: receiving, at a host server, a request to establish a brokerage account including data related to an applicant (column 9, lines 57-67 and column 12, lines 5 thru 48); forwarding, by said host server, said data to a credit bureau system for credit decisioning (column 13, lines 1-23); in response to a favorable credit decision, removing the restrictions from the brokerage account for said applicant. Wallace teaches that the brokerage account is created immediately and allows the applicant to immediately participate in investments, such as researching securities, setting up watchlists and other customer related activities (column 9, lines 57 thru column 19). Wallace teaches that the account is created upon receiving an application and given full access after the credit decisioning.

Weiss teaches a brokerage account application method comprising: receiving data from an applicant (column 14, lines 1-11); forwarding said data to a credit bureau system for credit decisioning (column 14, lines 26-34); obtaining, a credit decision relating to said applicant from said credit bureau system (column 14, lines 35-50); in response to a favorable credit decision, opening a brokerage account for said applicant column 14, lines 51-63, column 15, lines 14-64). It would have been obvious to one of ordinary skill in the art to modify the automated account opening process taught by Wallace with the accounts being opened after the credit decisioning as taught by Weiss because it ensures the financial status of the applicant before participating in an investment. Wallace teaches ensuring the financial status before trading is allowed but allows participation in the account before the credit decisioning when performing tasks such as watchlists.

Both Wallace and Weiss fail to teach granting, through an automated process, real-time access to at least one of buy, sell and trade within said brokerage account prior to receiving payment from said applicant for said investment and thus allow for trading immediately after the brokerage account is opened.

T. Rowe Price teaches opening a brokerage account in which allows same day trading after an account is set up (see T. Rowe, highlighted portion after Trading With Your Account). Based on an established relationship, T. Rowe teaches trading via a phone representative the same day the account is opened (see T. Rowe, highlighted portion after Trading With Your Account). Therefore T.Rowe teaches granting real-time access to at least one buy sell or trade prior to receiving payment from said applicant. The Examiner notes that the independent claims do not actually perform any buying, selling or trading and instead are drawn towards granting real-time access. T.Rowe grants such real time access by the fact that trading can be accomplished the same day. The claim is silent as to how trading is performed.

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Wallace in view of Weiss to include granting, through an automated process, real-time access to at least one of buy, sell and trade within said brokerage account prior to receiving payment from said applicant for said investment and thus allow for trading immediately after the brokerage account is opened as taught by T.Rowe because it provides for quicker use of the account based on personal financial data of the trader or other accounts held by the trader. Such account data being the type of data included in credit reports.

Claim 2, Wallace teaches that the step of forwarding is accomplished utilizing a distributed credit bureau communication system (column 3, lines 38-57).

Claim 3, Wallace teaches receiving data from said applicant comprises receiving data from said applicant over a distributed network (column 3, lines 38-57).

Claim 4, Wallace teaches that a brokerage account is opened with a pre-established trading limit of zero while the account is restricted (column 9, lines 57 thru column 10, line 19). Weiss teaches that the brokerage accounts are flexible enough to include a line of credit component (column 6, line 16-29). Further, T.Rowe teaches performing trades with 25% of funds available and thus allows the trade prior to receiving payment for the whole investment (see T. Rowe, highlighted portion after Trading With Your Account).

Claim 5, Wallace teaches further comprising the step of capturing data in an accounts database (column 6, lines 20-50).

Claim 6, Wallace teaches that the application can be in multiple formats (column 9, lines 7-24).

Claim 8, Wallace teaches further comprising facilitating communication with a trading system to obtain user-authentication information used for trading (column 9, lines 57-67).

Claim 9, Wallace teaches wherein the step of facilitating communication with a trading system to obtain user-authentication information comprises facilitating communication with said trading system to obtain at least one of a username and a password (column 9, lines 57-67).

Claim 10, Wallace in view of Weiss in further view of T.Rowe teach obtaining a credit decision from a credit bureau. Official Notice is taken that obtaining a decision in a specified period of time is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Wallace in view of Weiss in further view of T.Rowe and include a decision in less than 2 minutes because it provides quicker credit decisioning and would specify a threshold when the decision is no longer considered to be in real time.

Claim 13, wherein an application server processes said application data and interfaces with said distributed credit bureau communication system, wherein said distributed credit bureau communication system receives said application data and generates a credit decision and approval notification thereto (column 3, lines 58 thru column 4, line 4).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Primary Examiner, Art Unit 3693
24 April 2008